

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ELLA McCRAY,

PLAINTIFF,

VS.

**CITY OF EUFAULA, ALABAMA;
STEVE HANNERS; and DAVID
DUBOSE,**

DEFENDANTS.

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* **CIVIL ACTION NO.: 2:06cv309-VPM**

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**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION
FOR MORE DEFINITE STATEMENT AND TO STRIKE**

COMES NOW the Plaintiff, ELLA McCRAY, and in response to Defendant's Motion for More Definite Statement and to Strike states as follows:

1. On March 7, 2006, the Plaintiff filed her Complaint in the Circuit Court of Barbour County, Alabama. That Plaintiff's Complaint was filed in accordance with Rules 7(a), 8(a),(e),(f), and 10(a),(b),(c), Alabama Rules of Civil Procedure.
2. On April 5, 2006, the Defendants filed a Notice of Removal to remove this action from the Circuit Court of Barbour County, Alabama to the United States District Court.
3. The defects complained of by the Defendants are due to the Plaintiff's Complaint being filed in a state court as opposed to federal court.
4. That the Defendants Motion for a More Definite Statement and to Strike are premature as the Plaintiff has not been afforded time in which to correct the defects which are complained of by the Defendants.

WHEREFORE, PREMISES CONSIDERED the Plaintiff respectfully requests that she be allowed a reasonable amount of time in which to amend her Complaint to comply with the Federal Rules of Civil Procedure.

Respectfully submitted this the 21st day of April, 2006.

/s/ Benjamin E. Meredith
Benjamin E. Meredith(MER015)
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2006, I electronically served a copy of this document upon:

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/s/ Benjamin E. Meredith
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